

Commissioner of Trademarks P.O. Box 1451 Alexandria, VA 22313-1451 ATTN: TTAB	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of New York on the following Patents or ☒ Trademarks:

DOCKET NO. 08cv8766	DATE FILED 10/14/2008	U.S. DISTRICT COURT 500 Pearl Street New York, NY 10007
PLAINTIFF Fremantlemedia North America, Inc.		DEFENDANT International intimates Inc. Et al
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1 *****	*****	*****SEE ATTACHMENT*****
2 ^{Tms} 20 pgs. 7-11		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading			
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK		
1				
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK J. Michael McMahon	(BY) DEPUTY CLERK <i>[Signature]</i>	DATE 10/14/2008
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

22. The Official American Idol Website, in addition to news, information, and audiovisual content about American Idol contestants, also features an "Idol Store" on which authorized merchandise bearing the AMERICAN IDOL Trademarks, including children's and baby apparel, is offered for sale.

23. Fremantle has licensed certain AMERICAN IDOL Trademarks and/or AMERICAN IDOL Trade Dress to one or more licensees for use in connection with apparel of the same nature as those sold by Defendants, including "onesies." Defendants' unauthorized use of the AMERICAN IDOL Trademarks and the AMERICAN IDOL Trade Dress is damaging to Fremantle's and its licensees' business and goodwill.

The AMERICAN IDOL Family of Marks

24. In recognition of Fremantle's exclusive ownership of, and rights in, the AMERICAN IDOL Word Mark and the AMERICAN IDOL Logo for use in commerce as early as August 30, 2002 in connection with its apparel products, the United States Trademark Office has granted Fremantle the following federal trademark registrations:

- (a) U.S. Trademark Reg. No. 3,142,771 for the **AMERICAN IDOL Logo** (issued June 12, 2006) for clothing, namely, rainwear, T-shirts, sweat shirts, jerseys, shorts, sweat pants, jackets, hats, caps, scarves, pajamas, night shirts, night gowns, underwear, head bands, wrist bands, skirts, shirts, tank tops, pants, coats, sweaters and headwear, namely, hats and caps (collectively, with Reg. Nos. 2,715,725, 2,955,077, 3,062,247, 3,146,138 and 3,037,638 listed below, the "AMERICAN IDOL Logo Trademarks").
- (b) U.S. Trademark Reg. No. 3,101,422 for the mark **AMERICAN IDOL** (issued June 6, 2006) for clothing, namely, rainwear, T-shirts, sweat shirts, jerseys, shorts, sweat pants, jackets, hats, caps, scarves, [gloves, hosiery, neckties,] pajamas, [robes,] night shirts, night gowns, underwear, head bands, wrist bands, [swim suits,] skirts, shirts, tank tops, pants, coats, sweaters, [leotards, leg warmers, stockings, socks, panty hose, tights,] belts; [footwear, namely, shoes, athletic shoes, slippers, boots, sandals,] and headwear, namely, hats and caps (collectively, with Reg. Nos. 2,751,431, 2,863,808, 2,951,733, 2,959,920, 3,037,638, 3,064,528, 3,204,113, 3,257,662, 3,114,786, 3,181,455, 3,416,143, 3,357,980, 3,342,055, 3,350,013, 3,295,322, 3,366,823, 3,353,263, 3,493,354, and

3,485,531 listed below, the "AMERICAN IDOL Word Marks").

25. In recognition of Fremantle's exclusive ownership of, and rights in, the AMERICAN IDOL Logo, the United States Trademark Office has also granted Fremantle the following federal trademark registrations:

- (a) U.S. Trademark Reg. No. 3,142,771 for the **AMERICAN IDOL Logo** (issued June 12, 2006) for (in addition to the goods noted in paragraph 22, above) posters, calendars, notebooks, binders, daily organizers, memopads, stickers, playing cards, writing paper, envelopes, greeting cards, paper coasters, paper mats, books and magazines in the field of talent shows, photographs, postcards, trading cards, prepaid phone debit cards without magnetic coding; board games and card games, dolls, doll playsets, toy vehicles, toy cards, musical toys, toy figurines, toy balloon").
- (b) U.S. Trademark Reg. No. 2,715,725 for the **AMERICAN IDOL Logo** (issued May 13, 2003) for entertainment services in the nature of a continuing television talent show.
- (c) U.S. Trademark Reg. No. 2,955,077 for the **AMERICAN IDOL Logo** (issued May 24, 2005) for entertainment services in the nature of sweepstakes.
- (d) U.S. Trademark Reg. No. 3,062,247 for the **AMERICAN IDOL Logo** (issued February 28, 2006) for wireless telephone services and digital cameras.
- (e) U.S. Trademark Reg. No. 3,146,138 for the **AMERICAN IDOL Logo** (issued September 19, 2006) for after-shave; lotions; body cream and sprays; cosmetic pencils; deodorants; eye cream, gels, makeup and shadow; eyebrow pencils; eyeliners; hair gel and spray; blusher; tooth paste; lip gloss; lipstick; makeup; cologne; mascara; nail polish and glitter; candy; breakfast cereal; chewing gum; fruit pies; bubble gum; ready to eat cereal-derived food bars; prerecorded audio and video cassettes, compact discs, video discs, records, and CD-ROMs, all of the foregoing featuring talent shows; video game machine that is adapted or intended or use with a television, monitor or some other form of display apparatus which is separate from the video game machine; computer game equipment containing memory devices, namely, discs; interactive video game programs; magnets; interactive computer game software downloaded from a global computer network; sunglasses; soft drinks.
- (f) U.S. Trademark Reg. No. 3,037,638 for the **AMERICAN IDOL Logo** (issued January 3, 2006) for wireless telephones featuring an FM radio; digital camera; digital music player and digital audio tape recorder; pre-loaded musical ring tones via global computer network and wireless devices; pre-loaded interactive video game programs; pre-loaded Karaoke player and Karaoke machines; computer

software to enhance the audio-visual capabilities of multimedia applications, namely, for the integration of text, photos, images, voice messages, music and information featuring themes and content from the American Idol television series; pre-loaded software for web browsing, for customizing ring tones and for customizing email and text messages by using multi-media messaging including images, sounds and text.

These federal trademark registrations are valid, subsisting, and in full force under Section 15 of the United States Trademark Act of 1946, as amended, 15 U.S.C. § 1065, and Fremantle is the exclusive owner of these trademark registrations and all of the related business and goodwill throughout the United States.

26. In recognition of Fremantle's exclusive ownership of, and rights in, the AMERICAN IDOL word mark, the United States Trademark Office has also granted Fremantle several federal trademark registrations for that word mark, including the following:

- (a) U.S. Trademark Reg. No. 2,751,431 for the mark **AMERICAN IDOL** (issued August 12, 2003) for entertainment services in the nature of a continuing television talent show.
- (b) U.S. Trademark Reg. No. 2,863,808 for the mark **AMERICAN IDOL** (issued July 13, 2004) for cosmetics.
- (c) U.S. Trademark Reg. No. 2,951,733 for the mark **AMERICAN IDOL** (issued May 17, 2005) for entertainment services in the nature of sweepstakes.
- (d) U.S. Trademark Reg. No. 2,959,920 for the mark **AMERICAN IDOL** (issued June 7, 2005) for backpacks and shoulder bags.
- (e) U.S. Trademark Reg. No. 3,037,638 for the mark **AMERICAN IDOL** (issued January 3, 2006) for wireless telephone services and digital cameras.
- (f) U.S. Trademark Reg. No. 3,064,528 for the mark **AMERICAN IDOL** (issued February 28, 2006) for Halloween and masquerade costumes.
- (g) U.S. Trademark Reg. No. 3,204,113 for the mark **AMERICAN IDOL** (issued January 30, 2007) for portable karaoke player and recorder featuring video recorder, monitor and microphone; karaoke player and recorder featuring monitor and microphone.
- (h) U.S. Trademark Reg. No. 3,257,662 for the mark **AMERICAN IDOL** (issued

July 3, 2007) for coin-operated amusement machines.

- (i) U.S. Trademark Reg. No. 3,114,786 for the mark **AMERICAN IDOL** (issued July 11, 2006) for soft drinks.
- (j) U.S. Trademark Reg. No. 3,181,455 for the mark **AMERICAN IDOL** (issued December 5, 2006) for after-shave lotions; body cream and sprays; cosmetics; cosmetic pencils; cosmetics namely, compacts; deodorants; eye cream, gels, makeup, pencils and shadow; eyeliners; makeup; hair gel; hair spray; blusher; tooth paste; lip gloss; lipstick; cologne; mascara; nail polish and glitter.
- (k) U.S. Trademark Reg. No. 3,101,422 for the mark **AMERICAN IDOL** (issued June 6, 2006) for (in addition to the goods noted in paragraph 22, above) prerecorded audio and video cassettes, compact discs, video discs, records, and CD-ROMs, all of the foregoing featuring talent shows; video game machine that is adapted or intended for use with a television, monitor or some other form of display apparatus which is separate from the video game machine; computer game equipment containing memory devices, namely, discs; interactive video game programs; [electronically or magnetically activated pre-paid telephone debit cards;] magnets; interactive computer game software downloaded from a global computer network; eyeglasses and sunglasses; [gaming machines; gaming equipment, namely, slot machines with or without video output]; Posters, calendars, notebooks, binders, daily organizers, memopads, stickers, [comic books,] writing paper, envelopes, greeting cards, paper coasters, paper mats, [newspapers for general circulation], books and magazines in the field of talent shows, photographs, postcards, trading cards, [cardboard stand-up cutouts featuring photographs or artwork,] prepaid phone debit cards without magnetic coding, [trading card milk bottle caps, and personal checks]; [Target games] board games and card games, playing cards, [kites, toy action figures, disc-type toss toys, bows and arrows, balls of all kinds,] dolls, doll playsets, [plush toys,] toy vehicles, toy cars, [toy trucks, toy bucket and shovel sets, roller skates, toy model hobbycraft kits, toy rockets, toy guns, toy holsters], musical toys, [jigsaw puzzles, badminton sets, bubble making wands and solution sets,] toy figurines, [toy banks, puppets,] toy balloons, [yo-yos, skateboards, toy scooters, face masks, stand alone video game machines, LCD game machines, hand held unit for playing electronic games, but specifically excluding dice games and computer software games].
- (l) U.S. Trademark Reg. No. 3,416,143 for the mark **AMERICAN IDOL** (issued April 22, 2008) for gift card holders.
- (m) U.S. Trademark Reg. No. 3,357,980 for the mark **AMERICAN IDOL** (issued December 18, 2007) for electronic audio tape player and recorder; digital audio tape player and recorder; compact disc players; pre-recorded audio and video cassettes, compact discs, video discs, and CD-roms, all of the foregoing featuring music.

- (n) U.S. Trademark Reg. No. 3,342,055 for the mark **AMERICAN IDOL** (issued November 20, 2007) for interactive educational software featuring singing instructions and karaoke music.
- (o) U.S. Trademark Reg. No. 3,350,013 for the mark **AMERICAN IDOL** (issued December 4, 2007) for portable radios, MP3 players, protective carrying cases for MP3 players.
- (p) U.S. Trademark Reg. No. 3,295,322 for the mark **AMERICAN IDOL** (issued September 18, 2007) for paper plates and paper cups.
- (q) U.S. Trademark Reg. No. 3,366,823 for the mark **AMERICAN IDOL** (issued January 8, 2008) for lottery tickets and entertainment services.
- (r) U.S. Trademark Reg. No. 3,353,263 for the mark **AMERICAN IDOL** (issued December 11, 2007) for all purpose sports bags, athletic bags, book bags, change purses.
- (s) U.S. Trademark Reg. No. 3,493,354 for the mark **AMERICAN IDOL** (issued August 26, 2008) for luncheon meats, bologna, hot dogs, chicken strips, corn dogs, processed meat.
- (t) U.S. Trademark Reg. No. 3,485,531 for the mark **AMERICAN IDOL** (issued August 12, 2008) for

These federal trademark registrations are valid, subsisting, and in full force under Section 15 of the United States Trademark Act of 1946, as amended, 15 U.S.C. § 1065, and Fremantle is the exclusive owner of each of its trademark registrations, the marks shown therein, and all of the related business and goodwill throughout the United States.

27. The **AMERICAN IDOL** Trademarks include, and Fremantle uses in commerce and licenses for use on a number of different products and services, compound marks that incorporate the dominant semantic element "Idol" (the "IDOL Marks"), which also link the authorized goods and services in a consistent, easy to recognize fashion.

28. Examples of IDOL Marks include the name of its viewer affinity program, "MY IDOL," the sections of the Official **AMERICAN IDOL** Websites labeled "Fashion Idol," "Idol